

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DEREK FOLLEY,

Plaintiff,

: Case No. 3-22-cv-16

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

BARBARA P. GORMAN, et al.,

:

Defendants.

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**REPORT AND RECOMMENDATION ON MOTION FOR RECUSAL  
OF DISTRICT JUDGE THOMAS M. ROSE**

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This case, brought *pro se* by Plaintiff Derek Folley, is before the Court on Plaintiff's Motion for Recusal of Magistrate Judge [sic] Thomas M. Rose (ECF No. 109). It is respectfully recommended that the Motion be denied (1) for the reasons set forth in the Report and Recommendation to Deny Recusal in *Folley v. Foley*, Case No. 3:22-cv-065 and (2) because this case has already been dismissed (ECF No. 107, 108).

April 20, 2022.

*s/ Michael R. Merz*  
United States Magistrate Judge

## **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #